

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

MARK FRANCIS AUGARE,

Plaintiff,

vs.

KILOLO KIJAKAZI,
Commissioner of the Social Security
Administration,

Defendant.

Case No. 20-CIV-192-RAW-SPS

ORDER

Before the court is the Plaintiff's Application for Award of Attorney's Fees Under the Equal Access to Justice Act 28 U.S.C. § 2412 [Doc. 25] requesting an award of attorney fees in the amount of \$5,811.40. Defendant's Response [Doc. No. 27] states that the Commissioner has no objection to the Plaintiff's request for \$5,811.40 in fees.

On September 27, 2021, this court rendered a final judgment in favor of Plaintiff remanding the case for further proceedings under Sentence Four of 42 U.S.C. § 405(g).

Therefore, it is the Order of the court that the Plaintiff be GRANTED reasonable attorney's fees in the amount of **\$5,811.40** for services rendered pursuant to 28 U.S.C. §2412. If Plaintiff's counsel is ultimately granted attorney fees pursuant to 42 U.S.C. § 406(b), counsel must refund the smaller of the EAJA or the 406(b) award that is received to the Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED 14th day of February, 2022.



RONALD A. WHITE
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF OKLAHOMA